

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
v. )  
Plaintiff, )  
JAMES T. SMITH )  
Defendant. )  
Criminal No. 14-00117-01-CR-W-DW

MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE

**PENDING CHARGE:** On April 29, 2014, the Grand Jury returned a 2 count Indictment against defendant James T. Smith. Defendant is charged with the robbery by force, violence or intimidation of a teller at a Commerce Bank insured by the FDIC (Count 1). Defendant is also charged with an attempted Hobbs Act Robbery of the Isle of Capri Casino by threat of force or violence (Count 2).

The following matters were discussed and action taken during the pretrial conference held 10/23/14:

## TRIAL COUNSEL:

Government: Christina Tabor and Justin Davids

Case Agent: F.B.I. Special Agent Michael Powell

Defense: James Smith pro se with standby counsel Bill Raymond

## **OUTSTANDING MOTIONS:**

Doc. # 74-- Government's Motion for Court Conducted Voir Dire

## TRIAL WITNESSES:

Government: 20 without stipulations

Defendant: Defendant indicated he would not testify and would not call any witnesses.

## TRIAL EXHIBITS

Government: 132 exhibits

Defendant: 20 exhibits for defendant

## DEFENSES:

## General denial and lack of jurisdiction

**POSSIBLE DISPOSITION:**

( X ) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 2 1/2 -3 days**

Government's case including jury selection: 2 1/2 -3 days

Defense case: Defendant does not intend to call any witnesses. Government counsel has attempted to factor into the trial time an estimate of the amount of time defendant will spend in cross-examining witnesses. However, since the defendant is proceeding pro se, it is difficult to estimate the time that will be spent on cross-examination.

**STIPULATIONS:** Given defendant's pro se status it appears unlikely the parties will be able to agree to any stipulations.

**UNUSUAL QUESTIONS OF LAW:** None

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, November 12, 2014**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine:** Defendant was in the process of copying potential exhibits to provide government counsel. Government counsel may file a motion in limine to keep out one or more exhibits once they have been identified by defendant.

**TRIAL SETTING:** This case is specially set to commence on November 17, 2014.

**IT IS SO ORDERED.**

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/s/ *Sarah W. Hays*

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE